

**IN THE UNITED STATES DISTRICT COURT FOR  
THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
1:16 CV 26**

**THIS MATTER** has come before the undersigned upon the Court's own motion during a hearing of Plaintiff's Motion to Compel (#24) which took place on June 6, 2017. At that time, the undersigned made inquiries of Defendant's counsel as to whether or not the parties had selected a mediator in this matter. Defendant's counsel advised that he had made several proposals to Plaintiff as to a mediator who could be selected and the Plaintiff had not responded. Defendant's counsel did present an email record (Def's Exhibit #1) showing that attorney Kathy Gleason of Asheville, NC had been contacted by Plaintiff as to whether or not Ms. Gleason would act as a mediator. Defendant's counsel advised that he did not have any objection to the selection of Ms. Gleason. Mediation is to be completed in this matter on or before July 1, 2017. To assist the parties, the undersigned will order that Kathy Gleason be appointed as the mediator to act in this case. This Order does not mean

that the Court will pay for the services of Ms. Gleason. Those remain the obligation of the parties in this case. However, it does mean that a mediator has been selected and the parties should immediately contact Ms. Gleason to schedule a mediation so that mediation can occur before July 1, 2017.

Plaintiff is particularly advised that her failure to participate and appear at the various proceedings in this matter, including mediation, could possibly result in the dismissal of her action.

## **ORDER**

**IT IS, THEREFORE, ORDERED** that Kathy Gleason is appointed by the Court to act as mediator in this case. The parties are responsible for the costs of the services of Ms. Gleason and mediation shall occur on or before **July 1, 2017**. The Clerk is directed to send a copy of this Order to Ms. Gleason with the compliments of the Court.

Signed: June 20, 2017

Dennis L. Howell

Dennis L. Howell  
United States Magistrate Judge

